

REMARKS

Claims 1-45 are pending in the application. Claims 1-2, 5-14, 16-30 and 32-45 are rejected under 35 U.S.C. §102(e). Claims 3-4, 15 and 31 are rejected under 35 U.S.C. §103(a). Applicants canceled claim 1 without prejudice or disclaimer and reserve the right to file a continuation application to capture the subject matter of claim 1. Accordingly, claims 2-45 are currently pending in the application. Applicants respectfully traverse the rejections noted above for at least the reasons stated in the response having a mailing date of December 7, 2004 and file a Notice of Appeal concurrently herewith.

Applicants note that claim 3 was not amended to overcome prior art but to be written in independent form. Furthermore, Applicants note that claims 2 and 4-13 were not amended to overcome prior art but to provide consistency with the cancellation to claim 1 and the amendment to claim 3. Hence, the amendments made to claims 2-13 were not narrowing in scope and therefore no prosecution history estoppel arises from the amendments to claims 2-13. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 2-13 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. See *Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

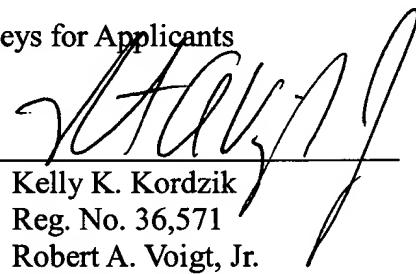
CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 2-45 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By: 

Kelly K. Kordzik

Reg. No. 36,571

Robert A. Voigt, Jr.

Reg. No. 47,159

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2832

Austin_1\283781\1
7036-P142US 6/28/2005